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THE RIGHT TO DEVELOPMENT

Written statement* submitted by the International Indian Treaty Council,
a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *0202103E*

The UN General Assembly adopted the Declaration on the Right to Development nearly twenty-five years ago. Article 1 of the Declaration states that the right to development is an inalienable human right for all peoples "in which all human rights and fundamental freedoms can be fully realized." Article 1 also states that the full realization of the right of peoples to self-determination, and "full sovereignty over their wealth and natural resources," are fundamental to the right to development.

Article 1 of the International Covenant on Economic, Social and Cultural Rights also affirms that in no case a People may be deprived of its own means of Subsistence. Indigenous Peoples' cultural and spiritual relationships with the natural world are maintained through daily practice of subsistence hunting, fishing, farming and gathering. We have seen the world over that these fundamental relationships, on which Indigenous Peoples' food security, traditional development and cultural survival are based, are primary casualties of imposed development and resource extraction on their homelands.

This year we are preparing for the World Summit on Sustainable Development. Today we call upon member states of the United Nations states to recognize the fundamental and inalienable right of Indigenous Peoples to determine for themselves the processes and forms of development that are appropriate to their cultures and circumstances as a fundamental underpinning of their Right to Development.

The IITC thanks the United Nations Secretary-General for the observations contained in his recent report " Implementing Agenda 21" submitted to the second preparatory committee for the World Summit on Sustainable Development, E/CN.17/2002/PC.2/. The Secretary General notes in Section I, paragraph 4, that "major changes have occurred since UNCED in the unsustainable patterns of consumption and production which are putting the natural life support system at peril. The value systems reflected in these patterns are among the main driving forces which determine the use of natural resources." Many Indigenous Peoples would agree with his profound observation about the underlying problem and challenge.

The IITC calls upon this Commission to denounce the pervasive and ongoing violations of the Right to Development that negatively impact the lives of Indigenous Peoples, and threaten the viability and sustainability of all life. The globalized market economy prioritizes the exploitation, appropriation and extraction of natural resources, products and capital at the expense of environmental protection, and the human rights and self determination of the Peoples of the world.

Indigenous Peoples suffer disproportionately from a lack of corresponding mechanisms to safeguard our fundamental human rights in the face of imposed development. For example, forced removal is defined as a crime in Protocol II of the Geneva Conventions and is prohibited by that same universal standard in time of war and civil conflict. However, it is carried out around the world with impunity by states and corporations in the process of conducting mining, drilling, damming and deforestation activities.

The absence of universally agreed standards on the rights of indigenous peoples is a major obstacle in fully empowering indigenous peoples to play their mandated role in sustainable development. Their full enjoyment of the Right to Development requires legal recognition of rights to ownership and control of their lands, territories and natural resources on national and international levels. Sadly, this recognition has still not been achieved here at the United Nations.

As a result, Indigenous Peoples around the world are struggling, in many cases with little to no support, to defend their lives, community health, ecosystems, means of subsistence and sacred cultural relationships in the face of imposed development and political decision making in which their input is systematically ignored.

For example, the Gwich'in People of Alaska and Canada continue to be threatened by the "energy policy" proposed by US President George W. Bush and his Congressional allies who support oil exploration in the Arctic National Wildlife Refuge, the birthing place of the Porcupine Caribou herd which provides food security, and is the cultural and spiritual foundation for the Gwich'in. Oil development would violate the Gwich'in Peoples' human, cultural and subsistence rights, as well as their right to development which is based upon their fundamental and ancient relationship with the caribou.

In Colombia, "Plan Colombia" and its aerial herbicide application program designed by the United States and Colombian governments in the so called "war on drugs" to purportedly eradicate coca and poppy, is adversely impacting the indigenous health and the safety of their crops, livestock, water supply, and environment. Plan Colombia violates Indigenous Peoples' right to life, health, food, and property as well as the customary international right to a clean and healthy environment. Moreover, the United States and Colombia have withheld from the impacted Indigenous communities, as well as the general public, details about the exact ingredients being used, and their potential environmental and health risks.

Department of Heath Officials in the impacted regions and international NGO observers, confirm the incidence of severe health ailments after spraying occurred. Numerous credible accounts report that the spraying has resulted in the eradication of (among other legal crops) of yucca, corn, tomatoes, grass for livestock grazing, and in destruction of fruit trees, livestock and fish, resulting in the denial of means of subsistence in direct violation of International law.

The IITC calls upon the U.N. Commission on Human Rights to conduct a full health, human rights and environmental assessment of "Plan Colombia" and its aerial herbicide application program, and to urge the United States and Colombia to impose a moratorium on the program until such assessment is completed.

On December 13th, 2001 Mme. Ouachi-Vesely, United Nations Special Rapporteur On Transboundary Illicit Dumping of Toxic Wastes, visited the office of the International Indian Treaty Council in San Francisco and received testimony and documentation from Indigenous representatives from the Untied States, Alaska, Mexico and Guatemala.

One area of grave concern presented to the Rapporteur was the ongoing export of toxic chemicals from the United States as well as some European countries. Especially detrimental to Indigenous communities are agricultural pesticides and herbicides which have been banned for use in the US and European countries but are exported for use in Mexico and Guatemala with severe health and environmental impacts in Indigenous communities there.

This includes pesticides and other agricultural chemicals whose use has been banned in the exporting countries because of documented severe health impacts to those exposed, including cancer and birth defects. They are sold to farmers in Mexico and Guatemala without warning labels on the known or suspected health and environmental risks, or precautions for use.

We appreciate the Rapporteur's interest in this example of environmental racism in which economic profits again take precedence over the human rights of Indigenous Peoples and environmental protection for all Peoples on Earth. We look forward to her report to this session of the Commission, and to proving any assistance we can offer her efforts to shed further light on this insidious practice.

The IITC also appreciates the cooperation and partnership which has emerged between Indigenous Peoples and the Food and Agricultural Organization of the United Nations toward increasing the process of participatory consultation in the upcoming World Food Summit + 5. This represents a truly historic opportunity to increase participation of Peoples directly concerned with various aspects of this fundamental issue. These include: sustainable food security and food sovereignty; cultural rights and traditional food-related practices, land and water rights; subsistence rights (hunting, fishing and gathering); preservation of traditional food resources and habitats; health issues; genetically modified foods and bio-piracy; affects of resource extraction and toxic contamination; and access to adequate food as a basic human right.

The IITC urges the Commission to recommend that the Special Rapporteurs on the Right to Food and Right to Development, as well as the new Special Rapporteur on the situation of Indigenous Human Rights and Fundamental Freedoms, focus serious attention on the full range of cultural, social, economic, environmental, political and spiritual issues impacting the Right to Development and the interrelated Right to Food for Indigenous Peoples.

The IITC calls upon the World Summit on Sustainable Development in Johannesburg to allow for honest assessment, action-oriented discussion and full and equal participation by all Peoples, to address the forces that have caused backward rather than forward steps in achieving sustainable development over the last 10 years. These include globalization, privatization and the growing dominance and influence of industry within the United Nations and global governance.

Indigenous Peoples look forward to the next constructive phase of action towards achieving the sustainable development goals set out for the world community in 1992 by Agenda 21. We accept the responsibly of our participation on behalf of our Peoples and future generations, in a respectful partnership with other Peoples and Nations who share this Earth. The survival of all Nations and Peoples literally hangs in the balance. This very real urgency demands that all of us come to this table with utmost honesty, sincere political will, and a collective commitment to sacrifice short-term political dominance and economic gain for long term survival.

For all our relations.